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January 7, 1952

Opinion No. 52-3

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ARIZONA ATTORNEY GENERAL

Mr. Melvyn T. Shelley
County Attorney
Navajo County Courthouse
Holbrook, Arizona

Dear Mr. Shelley:

This is in reply to your request made over the telephone to Mr. Barth who is tied up in several other matters and has asked me to answer. The questions as they were submitted to me are as follows:

1. Should Sections 12-316 and 17-511 be read together?
2. What discretion does the Board of Supervisors have?

Article 3 of Chapter 12, Sections 12-301 to 12-328, deals with official oaths and bonds. Article 5 of Chapter 17, Sections 17-501 to 17-514, deals with county officers. We are of the opinion that the two sections mentioned, 12-316 and 12-511, must be read together when dealing with county officials. Section 17-510 prescribes the amount of the bonds for the various county officials which usually is the maximum for all of them except the Treasurer and Assessor. This section permits the Supervisors to increase the amount set as they consider necessary regarding the Treasurer and Assessor. The discretion allowed the Supervisors must be reasonable and it is our opinion that the Supervisors may increase the bonds of any of the county officials beyond that set by the state under Section 17-511. You will note by reading the entire Article on Official Oaths and Bonds that an official may file a bond with personal securities or with a bonding company as surety. Either one may fail at times. Also, individuals may become obligated for a specified amount less than the full amount of the bond of the official. (Section 12-311) Also, aggrieved individuals or the State may recover on a bond in any amount not to

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exceed the full amount of the bond in any number of suits or recoveries. (Section 12-314) When any one of the above conditions exists, that is, partial recovery and the bond then is not of full value, or the sureties fail in some manner, then it is the duty of the Board of Supervisors to require additional bonds as provided for in Section 12-316, but may increase the bond of any officer at any time under Section 17-511.

We hope that we got your questions straight and that the answers stated herein will be of some help to you.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

CR:d

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